THE NEW REPUBLIC

Our Stake in Berlin

Louis J. Halle

"Shoot the Piano Player"

Stanley Kauffmann

Public School Prayers

Gerald W. Johnson

Bosky in Boston

Frank Getlein

July 9, 1962, 25 cents

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T.R.B. *from Washington*

Byrd Versus Kennedy

★ It is customary when referring to Sen. Harry Byrd of Virginia to describe him as "the influential chairman of the Finance Committee." One of the myths President Kennedy didn't talk about at Yale is fostered by this custom. In the Senate, Byrd's influence is probably less than that of any other major committee chairman. It would never occur to most of his colleagues to be influenced by Byrd's 19th Century economic theories or his pre-Civil War social outlook.

What he does have is the power any chairman wields. It is the power to hasten or delay the bills referred to his committee, to grant or withhold favors and to maneuver the legislation in his charge. In Byrd's case, this power is cunningly used to make mischief.

It is therefore unfortunate that the two most important items of the Kennedy legislative program are now in Byrd's committee. They are the trade and tax bills, both passed by the House and awaiting Senate action, which they can't get until Byrd lets them go. He has been monkeying with the tax bill for weeks and now plans to set it aside while he conducts hearings on the trade bill, which got by the House last week with surprising ease.

The Republican leadership of the House tried to send it back to committee on the theory that the Senate would then be free to write a version the House could later adopt. The idea was to rely on Byrd to gut it. This didn't work. Eisenhower's endorsement of the measure had split the Republicans and made it impossible for them to vote en bloc, as they had a week earlier to kill the farm bill.

Byrd is against vital provisions of both the trade and tax legislation. He keeps a straight face while complaining that the proposed 7 percent tax credit for capital investment is nothing more than "a hand-out to business." He's against compensatory payments to manufacturers and workers seriously harmed by lower tariffs. He knows that the Senate won't buy tax reform without the credit, or tariff cutting without the compensation.

However, Sen. Bob Kerr of Oklahoma, who has almost as much influence as Byrd is supposed to have with the Finance Committee, is for both measures. He will cease to be for tax reform the first time anybody suggests downward revision of the oil depletion allowance. But oil isn't harmed by the pending tax measure. So Kerr may yet slip the tax bill, the trade bill, or both, out from under Byrd.

God and The Court

★ We habitual Congress watchers sometimes wonder how representative government works as well as it does. Last week was one of those times. The occasion for wonder was the so-called debate on the Supreme Court's decision in the case of the New York school prayer. Actually it wasn't a debate, only a series of harangues against Hugo Black and the five Justices who joined him in disallowing the prayer.

Sometimes it was hard to tell whether the speakers were seizing an irresistible opportunity for demagogic exploitation of the decision or whether their self-righteous indignation was real. Demagoguery was preferable in this case to sincerity.

A great majority of the speeches naturally were delivered by members from the Deep South. Their major thesis was cogently stated by George Andrews, Alabama Democrat, who said:

"They put the Negroes in the schools and now they're driving God out."

Speakers in both the Senate and House generally agreed that the Court had befriended drug addicts (by invalidating a California law making addiction a crime *per se*), homosexuals (by ordering the Post Office to accept magazines of a kind that have small circulation among the best adjusted people), Communists (by setting limits on the manner of their prosecution), and atheists (by holding that the New York prayer violated the First Amendment). They also agreed that it never defended right, Godliness and The American Way.

Thousands of reprints of these diatribes from the *Congressional Record* will be mailed to constituents of Congressmen and Senators, postage free under frank, between now and the Congressional elections in November. In Dixie they will be worth their weight in ballots. Andrews, for one, can safely go fishing.

Several speakers held that the Constitution guaranteed freedom of worship but didn't guarantee freedom not to worship – and wasn't intended to. Some of them seemed to suggest that agnostics were subversives who should be jailed, preferably in cells adjoining those in which Supreme Court Justices should be put away to pay their just debts to society.

Justice Black's majority opinion that the New York school prayer constituted "establishment of religion" within the meaning of the Constitution and that such establishment could lead to religious persecution here, as such things had at other times in other places, seemed a little fanciful standing alone. Read along with the *Congressional Record*, however, it seemed no more than an accurate description of a clear and present danger.

Letting off Steam?

★ Congress banked its boilers after letting off the steam of the initial blast. Several resolutions designed to discipline the Court and restore officially-prescribed prayer to New York schools were referred to the Judiciary committees. Several members, who took the time to read Black's opinion, rose belatedly to his defense. Perhaps a few of those who obviously made their speeches without reading it had the grace to be ashamed.

If so, however, they will be prudent enough not to admit it. For members are now receiving communications from a hitherto unknown California organization which calls itself the Keep America Under God Committee. Who knows? Maybe it will turn out to be as helpful to a right-minded Congressman as the John Birch Society.

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Engel *v* Vitale

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights . . ."
– The Declaration of Independence

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."
– First Amendment of The Constitution

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessing upon us, our parents, our teachers and our country."
– Prayer drafted by the New York Board of Regents for optional local use in public schools.

The Justices of the Supreme Court confer in a setting of hallowed privacy. No law clerks or stenographers may be present when it is decided whether to hear or how to dispose of a case. If a message must be delivered to one of the Justices it is the convention that the most junior member of the Court goes to the door so the caller need not set foot within the Conference Room. Thus the Court places itself literally beyond the reach of rumor, and one can do no more than guess what might be in the mind of this or that Justice when the Court makes a critical judgment, as it did last December 4 in agreeing to hear the New York school prayer case.

Although the 6-1 ruling handed down in *Engel v Vitale* last week has provided the occasion for the most savage controversy concerning the Court since the 1954 desegregation decision, the Justices, which is to say the four or more requisite for granting a writ of *certiorari*, took their determinative step seven months ago in deciding to hear the case at all. The act of agreeing to consider a case involves not only innumerable technical juridical considerations but often carries an implicit political judgment. For example, in its steadfast refusal to hear anti-miscegenation cases, the Court has advanced strained reasoning which leaves little doubt that its guiding preoccupation is the potential political impact of overturning the Southern statutes. It is a foregone conclusion among most lawyers and legal scholars that the Court would overturn them if it should ever hear such a case. But the Court cannot choose to remain above the battle indefinitely, and when a particular question presents itself repeatedly over a period of years this can become sufficient reason to grant a hearing. What appears remarkable to us in the prayer case is that there was no such insistent pressure.

Most authoritative observers believe that the practical consequences

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of *Engel v Vitale* in our school system will be negligible; that the application of the decision by the lower courts will not be nearly so broad as the sweep of the majority opinion has led much of the lay public to suppose; and that consequently the Court might well have assumed in this instance that a reaffirmation of basic Constitutional principle would have relatively transitory political repercussions.

Clearly all the alarms about the *Star-Spangled Banner* and what the Court's crier has been in the habit of saying since the day of John Marshall are so many debating points. In 1948, the Court held in the *McCollum* decision that religious instruction on public school property, abetted by a "released time" program for pupils, was unconstitutional. About a decade later a study made in Illinois, the state in which the 1948 case had arisen, showed that while some modifications had been made in released time programs, the essential practice continued relatively unabated. It takes only a very minor prophet to predict that various forms of organized though non-denominational prayers will persist in our public schools.

By and large public schools have in recent years tried to be not only non-denominational but secular. But the absolute and sudden execution of the principle of scrupulous secularity would surely alienate great majorities in many of our communities. The great office of the American public school system in the past has been to serve as a unifying, egalitarian force in a vast and diverse society; one of the centripetal forces without which we would be in danger of being torn apart by our pluralistic stresses. School officials may in perfectly good faith conclude – in the present unsettled state of educational policy, and in light of other pressing needs of the school system – that the time and the problem call for accommodation and compromise. Though prayers indistinguishable from the New York one can, of course, no longer be used in equally indistinguishable circumstances, there are not likely to be many cases brought to local courts which are, in fact, indistinguishable from *Engel v Vitale*, and there are not many judges who will go out of their way to invite further school prayer cases. To try now truly to cleanse the public schools of all religious or quasi-religious ceremonies of all sorts would be an undertaking of the magnitude and duration of the racial integration endeavor. And unlike integration, a judicial effort to such an end could not succeed in the immediately foreseeable future, for it would not command, over the country as a whole, like public and private support. Nor would the result, if accomplished, one might add, be remotely comparable in importance to desegregation.

Once having decided to hear *Engel v Vitale* it is difficult to see how the Court could have reached a substantially different decision. The case posed the clear-cut issue of a prayer drafted by a state government and prescribed by certain local bodies. The facts are these. A significant number of local school boards in New York State – but not all – directed teachers to start class by leading a one-sentence prayer which acknowledges dependence on "Almighty God" and solicits his "blessings." The Supreme Court held that what is done in New York amounts to a religious ceremony, and that school boards may not constitutionally direct its performance. For school boards are organs of government, and under the First and Fourteenth Amendments, state and federal government "shall make no law respecting an establishment of religion."

Mr. Justice Douglas concurring and Mr. Justice Stewart dissenting both thought – the one approvingly, the other with regret – that all sorts of invocations of the Deity associated with our public life are or will soon become unconstitutional. But the majority said nothing of the kind. The ruling does not, as former President Eisenhower has suggested, concern whether Americans are or are not "endowed by their Creator" with the rights set forth in the Declaration of Independence and the Constitution. It does not take the definitive and inflexible position attributed to it by Reinhold Niebuhr in comments published on this page

> I do not think religion in our culture will stand or fall by the presence or absence of the Regents' Prayer, but I think the Supreme Court's decision was very extravagant. To exclude the Regents' Prayer is to insist that schools be absolutely secular in every repect, which is not what the First Amendment intended. The First Amendment . . . merely meant to prevent the establishment of a particular religion or the suppression of a particular religion, which is necessary in a pluralistic society and the basis for all religion. But the present decision is the basis of a new suppression. . . . The Supreme Court decision abolished a prayer accepted in New York and of a type accepted all over the country – a rather general prayer without special creedal references. It merely expresses a mood of religious reverence, and the Supreme Court declares this is in opposition to the First Amendment. If it is, one must call attention to the second part of the Amendment – the suppression thereof – because this decision practically suppresses religion, especially in the public schools.
>
> Mr. Justice Frankfurter has become famous for his insistence on what he calls judicial self-restraint and says that the Court should not legislate but should restrain itself from legislation. The present decision violates this basic principle because it introduces new legislation. . . .
>
> REINHOLD NIEBUHR
> *in an interview with Religious News Service, June 26, 1962*

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with respect to the application of the Establishment Clause. It does not preclude public school prayers which are in use as the result of custom or conventional practice by the consent of all groups in a community – a prayer drafted, let us say, by an inter-faith committee. What it does do is give recognition to the relatively recent phenomenon of a widespread secular humanism in the country which constitutes, as it were, a new religion of its own and which has coincided in its appearance with the militant revival of the old-time religion.

The record of the Court on church-state issues supports the belief that its intentions were limited. After its 1948 ruling holding the Illinois "released time" program unconstitutional, the Court proceeded in *Zorach v Clauson* four years later to uphold a program that differed only in the sense that the questionable classes were held in separate buildings. "In the religious field," observes Anthony Lewis in *The New York Times*, "the Court has used strong language often, but its actual results have been wavering in the extreme."

To many, of course, the prudence of a Court decision to entertain a case is not even a legitimate issue. They see the law as an absolute, and the Court as its prophet. If a practice is unconstitutional, the Court must forbid it. Even if this may undermine the position of the Court, that is the risk that must be run. In cases where some substantial issue is at stake where the Court is protecting an unpopular minority from an angry majority, such absolutism is certainly in order. The Court is the conscience of the nation. If men are jailed unjustly, the Court must speak out for what it believes to be justice, no matter what the articulate public or Congress may say. But if the wrongs involve matters of principle lacking the urgency of palpable injustice on a wide scale, some see the imperatives less vividly. To make it awkward for a child to avoid being present when other children repeat a prayer is perhaps censorable. But it can hardly be maintained that it is a grave invasion of his rights, an abridgement of the Constitution which significantly threatens our personal liberties. To take a single illustration, such a requirement is far less objectionable than a requirement that children take courses indoctrinating them about the dangers of godless Communism.

As Gerald Johnson warns, it is possible that the Court has given life to quiescent forces which will do more damage to our free institutions than the prayer ever did. It is no disrespect to the Court to ponder the fact that *Engel v Vitale* is likely to provide a rallying cry for the Radical Right with great evocative power among religious-minded people and, in particular, among those fundamentalist groups already attracted to the gospel according to John Birch. The fact that the practical consequences of the case will be negligible will not necessarily destroy its utility as a symbol.

Though the present agitation in Congress for a Constitutional Amendment has a phony quality, the emotional response and sense of alienation from Washington and its institutions apparent throughout the country in the wake of the decision seems to us a factor of authentic importance in the present national political climate. One must observe, too, that the chances for passage of federal school aid bills may suffer because of the impression that a sudden cold shower of uncompromising secularization has fallen on the public schools. No doubt, pressures for federal aid to private religious schools will be augmented, and many who have maintained opposition to such aid may be tempted to change sides, and save face with the argument that they had not known that God was to be forcibly driven out of the public schools by authority of the federal government. Finally it is obvious that the decision will strengthen the bitterness felt in the South, and among conservatives in both parties across the country, against the Supreme Court itself.

Sweet Tooth

It is unlikely that anyone in the US other than the sugar producers and the State Department has attempted to follow the intricacies of Congress' recent stalemate over sugar imports, and apparently even State was startled to discover that the legislation it had been backing for the past six months was going to create an international incident with the Dominican Republic. The whole confusing story is a case study in agricultural politics as well as of the interaction between foreign and seemingly domestic issues.

The fundamental fact about sugar is that the world can produce more than it can eat. As a result, the price on the world market is a mere 2.5 cents a pound. The other important fact about sugar is that the US has a $1.6 billion cane and beet sugar industry which cannot compete on the world market. In order to prevent this industry from collapsing, the federal government maintains the domestic price of sugar at about 5.5 cents a pound. (Housewives, of course, pay more than double this in the grocery store, but the difference goes to the men who package, deliver and sell the sugar commercially, not to the growers and refiners.)

In order to maintain the inflated sugar price, Congress has developed a quota system, which under the new bill passed this week allocates about 60 percent of the US market to domestic producers and 40 percent to foreign producers. Traditionally the foreign quotas have been divided up among countries having close ties to the US, with Cuba getting by far the biggest share (nearly a third of the billion dollar US market). Since

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the foreign producers received 5.5 cents a pound from the US, instead of the 2.5 cents a pound they would have got elsewhere, they were naturally anxious to preserve or increase their quotas. When the Cuban quota went up for grabs in 1960, it was temporarily divided among foreign and domestic producers (including the Dominican Republic). This year Congress had to replace the expiring sugar law with a new measure, and producers around the world have been fighting like jackals to get a permanent share of the Cuban windfall.

The Indian Sugar Mills Association, for example, retained (at a fee of $114,000) the law firm of a former assistant to President Truman to lobby for them. The Fiji Island producers reportedly paid a former Congressman $24,000 to look after their interests. And the Chinese Nationalists are said to have paid a former Agriculture Department official a $2,500 retainer and $500 a month to push their case on the Hill. All of these lobbyists have had the ear of the unofficial Secretary of State for Sugar, Harold Cooley (D, N.C.), Chairman of the House Agriculture Committee. Cooley came up with a bill which divided up the Cuban quota among sugar producers from 26 nations, and despite considerable opposition got the bill through the House.

Meanwhile the Administration had been pushing a different approach to the problem. First it argued that revoking the Cuba quota permanently would play into Castro's hands, since the US would then have no lollypop to offer the Cubans if they threw Castro out. Second, continuing the practice of buying foreign sugar at 5.5 cents a pound instead of 2.5 cents a pound would cost the US something like $200 million a year. This money, the Administration argued, would be put to better use if it went to foreign governments, in the form of foreign aid, than if it went direct to foreign producers. So the Administration proposed that the Cuban quota be reallocated on a worldwide basis, at 2.5 cents a pound, and that other quotas gradually have their price reduced from 5.5 to 2.5 cents. The saving would then be allocated to a special foreign aid fund. This approach was embodied in the Senate bill, with only two dissenting votes.

Then last week the Senate and House came up with a compromise bill, which gave Mr. Cooley's 26 lobbyists each only a small quota at 5.5 cents a pound, to be gradually reduced to 2.5 cents, and provided that the bulk of US imports be bought on the world market at 2.5 cents. (This would leave us free to restore a Cuban quota if anti-Castro forces should come to the fore in Cuba.) Since the Dominican sugar industry like its US counterpart is uncompetitive and cannot stay in business at 2.5 cents a pound, the Dominican Republic's foreign exchange situation (artificially propped up for the past few months by a share of the Cuban quota, at 5.5 cents a pound) is expected to deteriorate rapidly. The State Department is now talking about foreign aid to help them out, but the Dominicans are unreconciled – in part because State only woke up two weeks ago to the fact that the new law was even going to create trouble in Santo Domingo.

None too surprisingly, the one solution nobody proposed is that the US revive the free market and allow its citizens to buy sugar at cost from the cheapest source – the semi-tropical underdeveloped countries. This would expand employment in these countries, improve our foreign relations and save the US consumer-taxpayer $672 million a year. But it would also destroy the uncompetitive domestic sugar producers, who have been able to persuade both Congress and the Administration that they are an essential part of the national defense establishment. There might, it seems, be a war in which our access to Latin America would be cut off. Yet it would cost far less than $672 million a year to stockpile sugar against such a war, especially if the stockpile were bought at world prices.

Selective Patronage

For the past two weeks subscription managers for *The Evening Bulletin*, Philadelphia's largest daily newspaper, have been asking Negro families to renew thousands of subscriptions cancelled since mid-April. Nobody but *The Bulletin* (and perhaps its advertisers) knows exactly how many of its 720,000 or so subscribers the paper has lost. Estimates range from 25,000 to 50,000. Most of these are now coming back.

It all began back in the summer of 1960, when 400 Negro ministers started a "selective patronage" campaign against Philadelphia's largest employers. Not a "boycott"; that is a word they carefully avoided. They created no organization, kept no records, collected no dues. Their goal: the hiring of Negroes for prestige as well as menial jobs. Their tools: the "not-buying power" of nearly 700,000 Negroes, better than a fourth of Philadelphia's population.

Systematically moving from the baking to soft drink, oil and dairy industries, the ministers have "persuaded" such firms as Tasty Baking to hire its first Negro cake icers; Sun and Gulf Oil to put on Negro drivers, clerks and typists; and Abbott's dairy to employ Negro milkmen. Other firms, including leading banks, are hiring Negroes as insurance against "selective patronage." To decide whether it needs more Negro employees, a firm simply balances the increased salary expense against the probable loss of Negro income.

Since March *The Bulletin* has been under pressure to put on more colored help. The ministers said they thought *The Bulletin* shouldn't have much trouble adding five regular truck drivers to its force of 200

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whites, or eight Negro men and boys among 500 white mechanical and press-room employees, or 15 clerical and office workers to its staff of perhaps 2,000. Management replied that the paper had a good record over the years of resisting pressure from advertisers, lobbyists, political parties, religious groups, and everybody else. It did not discriminate against Negroes and certainly wouldn't be "blackmailed" into discriminating in their favor by hiring people it didn't need.

On Sunday, April 15, the 400 ministers urged their congregations to stop buying *The Evening Bulletin*. That same day, a local radio-TV station began broadcasting – over violent *Bulletin* protests, including a threat to sue – news of the selective patronage program.

With the horse out of the stable, *The Bulletin* had little choice but to print part of the ministers' statement on its front page, alongside a plea in its own defense. It had previously ignored the story. *The Bulletin* pointed out it had been making an earnest effort to cooperate with city and other agencies in anti-discrimination programs: "*The Bulletin* does not discriminate against any prospective employee because of race, religion or color." It added that many of its Negro employees had "advanced strictly on the test of merit."

In this way white Philadelphians, accustomed to read about boycotts in Memphis or Montgomery, became aware of the economic leverage being brought to bear by Negroes in their own city. Some said maybe the ministers had bitten off too big a chunk this time, taking on a large daily paper with the power to release or withhold news favorable or unfavorable to Negroes. One minister confided privately, however, that part of the gripe against *The Bulletin* was its over-emphasis on Negro crime and underplaying of Negro achievement – a charge denied by *The Bulletin*.

The stalemate lasted eight weeks. Then, on Sunday, June 10, the ministers reported that their requests had been met and urged their congregations once again to buy *The Bulletin*. Not only had the paper hired the recommended number of employees, it had taken 13 more in responsible jobs and slated several Negro newsboys for apprenticeship in its plant.

Why did *The Bulletin*, so adamant to begin with, accede so handsomely to the ministers' requests? "Figure it out for yourself," one pastor said. "Maybe $100,000 in salaries balanced against a circulation revenue loss of, say, maybe $12,000 a week, not to mention lost ad revenue based on reduced circulation. I imagine if we had to intensify our efforts, we could have brought on twice that loss easily. But our aim isn't to wreck a business. We simply want to prove that it no longer pays to discriminate against us."

"Unorganized" efforts to prove the same point are underway in Brooklyn, Cincinnati, Detroit, Baltimore, Chicago and Wilmington.

FOOTNOTES *to the* WEEK

THE TRADE BILL passed the House with a wider majority (298-125) than forecast for several reasons. Both liberal and conservative lobbies put on a big push in the last few days, with segments of the glass, oil, coal, candy and textile industries joining the AFL-CIO. The White House staff worked with effect among many normally hostile Congressmen. The old Rayburn team, Speaker John McCormack, Majority Leader Carl Albert, Whip Hale Boggs, and Richard Bolling and Homer Thornberry, pulled together for the first time this year. And the House put on what one veteran called "the best floor debate in my years in Congress," a debate which had the almost unprecedented effect of changing several Congressmen's minds. —— BAGHDAD REFUSES *to allow foreign correspondents to cover the Kurdish rebellion in Northern Iraq, but the* London Times *reports that the Kurds are holding their own and recently cut off an Iraqi Army batallion. The Kurds, led by the Mulla Mustafa, have been in open rebellion for 10 months, seeking an independent or at least autonomous Kurdistan. In recent years the Mulla has gotten no support from the USSR, which borders on the proposed Kurdistan, but this could change if Kassim's Baghdad regime begins to totter. Neither has the Mulla gotten any help from neighboring Iran, Turkey or Syria, which all have Kurdish minorities.* —— THE ADMINISTRATION'S BILL to legalize certain kinds of police wire-tapping is not expected to get action this session, partly because certain liberal Senators oppose nibbling at the Fourth Amendment. Meanwhile Representative Robert Kastenmeier (D, Wis.) has introduced a bill to bar all wire-tapping, and to charge the Federal Communications Commission with enforcing the law against the presently obdurate FBI and local police departments. —— PRESIDENT KENNEDY *is being urged to crack down on those Southern members of Congress who (as he observed in his press conference last week) habitually vote Republican. Plans for new post offices in the districts of some recalcitrants seem to have been lost in the shuffle, but nothing more spectacular has yet been attempted.* —— INDIAN AND PAKISTANI leaders express equal disenchantment with US South Asian policy. New Foreign Minister Mohammed Ali proclaimed a Pakistani-style neutralism in his maiden National Assembly speech on June 27, declaring that Pakistan "will not be the camp follower of any power group" and looking to "the closest possible ties" with China. Earlier Prime Minister Nehru had bitterly objected that "on subjects which concern us greatly . . . the United States and the United Kingdom should almost invariably be against us."

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Anise and Cummin

The Supreme Court decision of the New York prayers-in-the-public schools case has ripped open a hornets' nest of formidable size. The actual decision, rigidly interpreted, does no more than underscore the difference between God and the political jobholders. Devout Christians agree that the Lord's Prayer derives its sanctity from the fact that it was prescribed by the Founder of the Faith; none contends that such authority is shared by the Board of Regents of New York. The Court held that to employ the power of the law to compel people to pray according to the word of a group of politicians is unconstitutional. To the mind of this observer this is surely so.

But the decision is not being and will not be interpreted rigidly. As in the Dred Scott case, what the Court actually decided is brushed aside, and the debate turns on the alleged implications of the decision which is to say it is wide open to extreme fanaticism, and the fanatics are already swarming in. The alert Senator Beall of Maryland – he is up for re-election in two years and could use a popular issue – has already introduced a constitutional amendment reversing the decision. Since Beall is an extreme conservative the question arises, Is that all it will reverse? Segregationists, John Birchites, and other backward-lookers have long panted for a plausible excuse to reverse *Marbury v Madison*, too, and this may be their opportunity.

Liberals would be ill-advised to shrug this off as mere tub-thumping. The decision has sand-papered raw emotionalism, not all of it religious, by any means. For some years ingenious legal talent in the service of various minority groups has been forcing the Court to face squarely the issue of the constitutional validity of long-accepted practices; and when the issue could no longer be evaded, the Court has been compelled to strike them down. The fact that the decisions were morally right has not assauged the wrath of those who found the ancient wrongs convenient and profitable.

These have ready to hand, and they will not fail to use, the perfectly valid argument that virtue, carried to excess, turns vicious. "The minority," observed Jefferson, "possess their equal rights, which equal laws must protect, and to violate would be oppression." True; but there is a point at which over-zealous protection of minority rights can result in establishment of a tyranny of the weak over the strong, which is the one form of government worse than a tyranny of the strong over the weak. Sophists of the extreme right even now are trying to persuade us we have passed that point and while they may be weak on logic they are strong on emotion, which is still a potent force in public affairs.

The grim fact is that the whole Jeffersonian concept of political liberty is under tremendous pressure because it has not brought us safety and a large proportion of mankind prefer to live safely, as they think, under tyranny rather than in perilous freedom. They are deceived of course. Tyranny is more, not less dangerous than freedom, but it doesn't look so except to minds that are relatively mature, politically.

Lay opinion on strictly juridical questions carries small weight, but many laymen would highly approve if the Supreme Court should find it expedient to apply the rule *De minimis* to some of the litigation being initiated by splinter groups. Of course it is a dangerous rule; the assertion that the law does not bother with trifles can be perverted to serve as an excuse for grave derelictions, nor can it be defended logically, since one man's trifle is another man's life-or-death issue. But we have just seen it demonstrated that abandonment of the rule may set the ponderous machinery of the Supreme Court to grinding such small grist as the objection of a handful of bigoted non-believers to the most perfunctory official recognition that a religious tradition does pervade American life. This is an evil because it absorbs time and attention that should be devoted to the correction of evils that afflict far more people far more grievously than a few minutes' lip-service given to anything. To neglect a larger evil in order to correct a smaller one is not a net gain; to borrow a religious metaphor, it is paying tithe of anise and cummin while omitting weightier matters of the law.

For Demos, unleashed from the rule of reason, merits Alexander Hamilton's characterization – "a great beast." Under whatever leadership, wise or foolish, Demos is immeasurably strong. An American democracy, fallen under the spell of fanatics, could wreak upon the world devastation that would make past efforts elsewhere mere amateur dabbling by comparison. To insinuate that we shall ever go that length would be high treason in spirit, if not in law; but that we may take a small step in that direction is not only conceivable, it is horribly possible.

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AFTER THE RUSK VISIT TO WESTERN EUROPE

Adenauer and Schroeder

Bonn

Mr. Rusk's European tour has had more than a hint of a flying doctor's activities about it – a diplomatic genuflection to the prestige-obsessed de Gaulle, an injection of personal friendliness for the suspicious Adenauer, a pat on the back to give the uncertain Italian Christian Democrats some badly-needed self-confidence, kindly words of support for Britons torn betwen their traditional ties with the Commonwealth and their overwhelming economic need to associate themselves more closely with Europe.

From Bonn, at any rate, it looks as if the tour has been a success. All the signs at the moment are that it dissolved some of the suspicions which had built up on both sides. More important, it may have suggested to West German leaders that they have been underrating the value of Western diplomatic initiatives in Central Europe.

Possibly the most immediately significant development arising from the Rusk visit was the readiness of the Federal Foreign Minister, Gerhard Schroeder, to air his progressive and pragmatic views (Schroeder has said more than once that he, like every other Cabinet Minister, has to watch his tongue). In radio and television interviews which followed Rusk's departure from Bonn on June 23, Schroeder backed the American proposal for a four-power conference on the Berlin Wall shootings, approved in principle the American suggestion of an International Authority to control the traffic on the Berlin *autobahn*, approved unreservedly the continuation of the American soundings of Soviet intentions, and sturdily supported Britain's entry into the European Common Market.

Now all this might seem natural enough, if it were not for two facts. The first is that the Chancellor, Dr. Adenauer, has been in the habit of expounding German foreign policy himself. The second is that the things that Adenauer has been saying recently have not corresponded to what Schroeder had to say June 23.

Adenauer condemned the American plan for a Berlin *Autobahn* Authority and cast grave doubt on the validity of the American-Soviet exploratory talks (sometimes it has almost seemed as if he wanted them to fail). He has supported Britain's entry into the Common Market in a most half-hearted way – and has even digressed, momentarily, into the Never-Never Land of "Little Europe," consisting of France, Italy and Western Germany. Up to this week Adenauer could have been guaranteed to cast cold water on a "Berlin Wall conference." In his inimitable Cologne accent *(Koelsch)* he would have explained that there can be no purpose in negotiating from a "position of weakness," and that any negotiations with the Russians are doomed to failure anyway. The policy of "sit tight and hope for the best" has become the only recognizable signpost of Adenauer's foreign policy. One can even sit tight behind the Berlin Wall.

What then has emboldened Schroeder to say his piece – straightly and dispassionately? The Chancellor still towers above the members of his Cabinet, a father-figure who may now be too weak to lift one of them up and place him in the position of Chancellor-designate, but whose ire (or collapse) has the capacity to crush. Has Adenauer decided that there are chances for a positive diplomacy in Central Europe? Has he decided to give Dean Rusk the liberty to wreck himself, by batting his head against the brick wall of Soviet intransigence? Or is he simply aiming to let his own German critics prove themselves wrong – by sitting back, decentralizing executive power, watching a short-lived merry-go-round of Ministerial activity?

Several times in the past Adenauer has refused to be wooed by the protagonists of a positive, thrustful diplomacy over the German and Berlin questions. His calculation (and prejudice has had nothing to do with it) has always been that the West need only stand firm, and sooner or later the Soviet Union will begin to show a readiness to talk sense, to look for a "fair" compromise, and to negotiate. So far Adenauer has been proved wrong in this – although his steadfastness has been invaluable to the Western Alliance. Can it be that a politician who sets a high price on his infallibilty (this is a weakness with both Adenauer and de Gaulle) is ready to give positive diplomacy its chance?

The West German performance over the proposed four power conference on the Berlin Wall will be a very clear indicator. Lack-lustre "approval" will be no good; it is the Germans who must produce all the worthwhile information, and most of the worthwhile ideas about the Berlin Wall. It is no use their sheltering behind the convenient fable of four-power "rule" in Berlin; this does not exist, and the Berliners would be the first to say so. The diplomatic penetration of the Berlin Wall is primarily a German responsibility. Does the West German Government, does Adenauer, realize this?

Dean Rusk has been perfectly right to fasten on the Berlin Wall as a potential point of diplomatic pressure.

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The Communist bloc is unable to be proud of it. The Soviet rulers know what a shocking impression it has made on the whole non-Communist world. The Communist shooting of women and children on the Wall is a scandal and disgrace. A four-power conference on the Wall is a unique opportunity for the West to initiate a diplomatic offensive. But if the Russians refuse a conference, then it can be pressed again and again, and never dropped. It is a happy thought that, for once, the West can "have it both ways."

West German political thinking is going through one of its most difficult phases since 1949. The guide lines laid down by Adenauer's beautifully exact mind have begun to waiver. The Opposition has ceased to offer a clear alternative. A father-figure is slumping on his pedestal. Men of talent and imagination (not too many of them) still hang back – with the exception of Schroeder. The leap from a purely defensive diplomacy to one dictated by positive ideas is a huge one – especially for a "junior" partner like the West German state. There is just a chance – no more – that the leap will be made. If is is, then there is so much that can be done! The brutalities of the East German regime can be put before the United Nations. Ulbricht can be offered the long-term loan which he needs, at a price. The West Germans can take up the East German challenge of All-German talks. Soviet imperialism can be thrust onto the defensive in Europe. All this can be done, I believe; and it should be done.

TERENCE PRITTIE

The Bomb and the Market

London

Perhaps the most important outcome of Secretary Rusk's quick tour of Europe has been the creation of an explicit link between Britain's entry into the Common Market and greater European control of NATO's nuclear weapons. But it is far from clear how Rusk thinks a new system of control might work.

Official US spokesmen are saying that the suggested new structure for the alliance's atomic air power would not involve a separate strategic force for Western Europe; they point to Kennedy's proposal for a NATO Polaris submarine fleet as an example of what America intends. This means a US veto on the use of nuclear weapons, which is just what de Gaulle, and presumably Macmillan, fear might prove disastrous. Fifteen independent countries cannot simultaneously have fingers both on the trigger and on the safety catch. Only a fully fledged political federation could escape the dilemma involved, and few believe this is imminent.

Thus despite all the reports, it is difficult to believe that Rusk had anything concrete to offer the allied governments beyond the vague hope that the control of NATO's nuclear weapons might somehow be easier to achieve if Britain put herself on the same level as the rest of West Europe by joining the Common Market.

How might NATO's policy develop then? The French government has insisted that it will not even discuss the problem until it has built up an effective atomic striking force of its own. So if the US wants to make rapid progress towards a new NATO nuclear policy, she will have to help President de Gaulle accelerate the French atomic program. This Rusk reportedly again refused to do, presumably because so long as de Gaulle is still in power, and maintains his present policy, even US assistance would not lead to subordination of the French force to NATO.

But de Gaulle may be gone by the time France possesses an effective nuclear striking force, and his successor may be prepared to go at least as far as Britain in integrating it with the US Strategic Air Command. Whether this would be far enough to suit the US nobody seems certain. Secretary McNamara has said that his criticism of "independent" nuclear forces did not apply to Britain, since the British bombers cannot act outside the joint Anglo-American target plans. If this is indeed the case, which is far from certain, it is hard to see why either Britain or France should waste resources in adding to the already overwhelming striking power of the US. A "European" deterrent integrated with US forces would presumably be equally superfluous unless it could act independently in a pinch.

Whatever he offered, Rusk presumably asked for assurances that neither Bonn nor Paris will obstruct Britain's entry for political reasons. But the economic problems raised by Britain cannot be solved without political goodwill, and McNamara's speech criticizing de Gaulle's independent striking force cannot have increased this. Nor, one might add, does American assistance in maintaining Britain's nuclear superiority over her European neighbors make France (or Germany) any more eager to please the "Anglo-Saxons."

Nevertheless, what Rusk's visit may have done is to define nuclear cooperation as a critical problem when the final bargaining on British entry into the Common Market takes place in Brussels. If this is indeed the case, the US may for good or ill hold the key to Britain's admission.

DENNIS HEALEY, M.P.

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The Negro Problem: A Prognosis

by Gunnar Myrdal

As we can now look back over the era of Reconstruction with the wisdom of hindsight, we see clearly that the reason why so much went wrong and why so little permanent improvement of the lot of the Negroes in the South resulted was this: that the political revolution was not backed up by economic and social reform. As usual the leaders of that time tried to do great things too cheaply without paying the costs. The slogan "six acres and a mule" was never taken seriously by those in power – just as in most of the underdeveloped countries of the world today land and tenancy reforms are proposed as programs and sometimes even enacted into law, but frustrated and nullified by the resistance of the vested interests.

In America this type of Reconstruction led to the great national compromise worked out in the late 1870's. The Negro people were left again to the mercy of the White upper caste in the South, now embittered by all that had followed their military defeat. Economically, the South deteriorated to a colonial status in its relation to the North, and as late as the Thirties Franklin Roosevelt could still characterize the South as the nation's "problem number one."

Until the end of the Thirties the status of the Negro people remained on the whole about unchanged. There were advances on some fronts, but retreats on others. Twenty years ago this era of relative stagnation so far as the Negroes' position is concerned had so impressed itself on American thinking that even the social scientists had generally come to believe that it was the natural order of things. Progress was foredoomed to be very gradual and slow, they believed, and nothing very much could be done to speed it up. In my study of the Negro problem in America at that time I came to the contrary conclusion, however, that this period of stagnation was only a temporary balancing of forces which was just on the verge of being broken. I saw big changes in the offing.

And, as we know, this actually happened. These last 20 years have been filled with advances on all fronts: in the labor market, in education, in the fields of social welfare and housing, in the structure of law and law observance, and generally in the enjoyment of more equal opportunities to do things, to move in society, to work, produce and consume without meeting segregation and discrimination. No historical trend of social change is a straight line, and there have been occasional setbacks. Prejudice itself is also slow to disappear, though its legal and institutional retaining walls are crumbling. There is still a long road to travel before America becomes in fact the egalitarian country of its creed. But in historical perspective the rapidity of progress is astonishing. Let us remember that practically all of this progress has taken place in the short period of the last 20 years, following six decades of stagnation – and that its coming was not anticipated by most students of the American scene.

The progressive achievements of recent years have not been won without efforts. In the general advance unfortunate incidents occur which deeply disturb the participants. In a sense, unpleasant incidents even have a function to fulfill in this process of advance. In the last chapter of *An American Dilemma* I quoted a remark once made to me by a prominent and conservative Negro social scientist in the South; I can now reveal that the man I characterized in this way was my late friend Charles S. Johnson, the great sociologist and the first Negro president of Fisk University. He stated as his considered opinion that tensions are not necessarily bad and that under certain conditions even race riots may have wholesome effects in the long run. He continued in about the following way:

"They stir up people's conscience. People will have to think matters over. They prevent things from becoming settled. If the race situation should ever become fixed, if the Negro were really accommodated, then, and only then, would I despair about a continued great improvement for Negroes. As long as there is friction and fighting, there is hope."

In this light, the Little Rock disturbances and the many other unfortunate incidents reported daily in the American press have their positive role to play in giving momentum to social advance. I realize that it is much easier for an outsider to take this lofty philosophical view than it is for the American citizen who has a duty to take a part in pressing social advance as rapidly as possible. And it must be particularly difficult for the young Negro intellectual who bears scars in his soul from all that yet remains of segregation and discrimina-

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GUNNAR MYRDAL *is a Swedish economist. During the 1930's he produced the classic sociological study of the American Negro,* An American Dilemma. *The present article is taken from an address to the graduating class of Howard University, a leading Negro university now pursuing a policy of integration.*

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tion in American life. Nevertheless I maintain that it is important to see clearly that the trend moves steeply upwards, in order to avoid discouragement and to sustain the determination required in the skirmishing that may still be necessary. In this new epoch the Negro cause is a winning one.

I have not the slightest doubt that we shall continuously see great improvement in the Negro's status in American society, and I even foresee that the rising trend of the past two decades will accelerate. It would take me far afield to explain all my reasons for this conviction. But, among them, on the material side, is the growing affluence of a society which provides more elbow room for everybody and has little interest in pushing anybody into the ditch. On the spiritual side, there is the reality of the ideals enshrined in your constitution and rooted in the hearts of the American people. With rising levels of education the hold of these ideals in America is continuously strengthened. Increasingly, the false and derogatory beliefs about Negroes, which have filled the function of rationalizing prejudices, can be expressed only by those willing to betray their own lack of culture. As the white and Negro people are increasingly mingling in work and pleasure, all are discovering that they are the same sort of people with the same cultural moorings, the same likes and dislikes, and the same aspirations and ambitions for themselves and for America.

Just as until women are completely emancipated, every ambitious woman has also to stand for women's rights, so even today every Negro intellectual must feel called upon to supplement his work in his chosen vocation by being a "race man." This situation will remain until Negroes are generally accepted everywhere on a par with whites.

I should not be fully candid with you, if at this point I did not stress another implication of the integration of the Negroes in the wider American society, namely that the Negro professional middle and upper class will have to surrender economic monopolies which they have held, and are still holding, on the basis of prejudice. You cannot cry for the breaking down of the walls of segregation and discrimination while, at the same time, hoping to retain petty monopoly preserves among Negro clientele to give you a comfortable and uncontested economic safety. You must have the courage to choose a harder life in which your abilities will be tested against the norms established in the wider American society, and indeed in the whole world.

In the future America . . . there will be no place for a Negro university.

As the integregation process proceeds the problems of the Negroes will gradually tend to disappear as separate problems. For a long time yet, there will undoubtedly be problems of breaking down segregation and discrimination against Negro families in housing. But the general problem of slum clearance in American cities is the bigger and more important one. And the Negro's stake in that bigger problem is the greater as there is no hope for a satisfactory separate solution to the housing problems of Negroes as long as slums remain a blot in American cities. The schools most Negro children attend are bad in the South and often in some parts of the North, but many other schools are also bad, and the best hope for Negroes, particularly in this period of desegregation, is a campaign for improving the schools generally. Likewise, Negroes, as members of the group still most disadvantaged in American society, have a particular interest in the extension of social security, an area in which America is still rather backward (particularly in the field of health and hospitalization) by comparison with the most advanced countries. In this situation it is both natural and necessary that Negroes should support and join those forces in American society which stand for general social and economic progress. When narrower group interests are submerged and the pursuit of social advance for the white community is brought to the fore, a major step toward the complete integration of Negroes in American society will have been taken.

It probably still is broadly true, though less now than 20 or 30 years ago, that the Negroes are the "last hired and the first fired," and the incidence of unemployment of Negro workers is disproportionately heavy. The state of full employment, created by the war and preserved in the immediate postwar years, was of great importance on the economic side in supporting the rising trend in the Negro's status. The relative economic stagnation in America and the high level of unemployment in the Fifties is, for the same reason, particularly menacing for Negro advance. If continued stagnation should be the lasting condition for the American economy in the decades to come it will spell frustration internally and externally for America, and it might even slow down the upward trend of the Negro advance I have talked about. When I have expressed my faith that the trend to improvement of the Negroes' status will continue and indeed gather momentum, I have done so because I cannot believe that the American people will tolerate a stagnating economy for much longer. It is not necessary. Any economist worth his salt can tell you what is needed in the field of public policy to make America again a country of bold and rapid economic progress.

To fight discrimination against Negroes in the labor market remains naturally a task that cannot be relaxed. But much more important is the recreation of the conditions for American economic progress, as nothing is more effective in liquidating discrimination than full employment and a rising trend of incomes to all.

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THE BERLIN WALL-III

What Is at Stake in Berlin?

by Louis J. Halle

If any single issue stands in the way of an armistice in the Cold War today it is what we call the issue of Berlin. During the summer and autumn of last year, at one of the heights of the perpetual Berlin crisis, the United States and its principal NATO allies showed that they were ready to go to the brink of a major war over this issue. Moscow, recognizing that this was no bluff, thereupon reduced the immediacy of the threat it had posed for Berlin. It put the projected realization of that threat off for an indefinite time – although not until it had sealed the unhappy people of East Germany in behind the Wall that now cuts so brutally across the city. The threat remains, however, and can again be made imminent (or can be realized) any time that it suits Moscow. We might again, at any time, have to renew the demonstration of our determination to go to the brink of war over the so-called issue of Berlin.

This possibility poses for us, in a particularly insistent fashion, the question of what the issue really is. The government of a liberal democracy, and the leadership of a free coalition, must not ask its constituents and supporters to take the terrible risk of war, as it presents itself in the nuclear age, except where the issue is clearly identified as one that justifies it.

We may learn a lesson from the experience of President Wilson, in the period from 1914 to 1917, when the United States was moving toward belligerent participation in the First World War. The real issue that was drawing us into the War, on the side of Britain, was our own vital security as a nation, which depended on the shield of British sea-power that imperial Germany – its U-boats ranging freely outside New York Harbor – was threatening to strike down. Wilson, however, was allowing the issue to be posed ostensibly in terms of legal technicalities, fine points of international law involving the putative right of American citizens to travel with impunity in the ships of Germany's enemies. Not only did these technical grounds of dispute fail to represent the magnitude of the real issue, they provided an inadequate basis on which to ask the American people for the sacrifices that entrance into the War would involve. The realization of this, as our entrance became imminent, was what moved Wilson to shift from legal to ideological grounds, from the defense of unimportant legal rights to the defense of democracy. Since Wilson's day the kind of confusion into which he at first fell has become even more dangerous than it was then. If we are again to make a firm stand on the Berlin issue bracing ourselves to the danger, then we should be clear what the issue really is.

The Berlin issue has undergone some evolutionary change since it first became acute, in 1948-49, when Moscow blockaded the city. Moscow's immediate purpose then was, clearly, to force the abandonment of Berlin by the West and its incorporation into the Soviet empire. The heroic and successful response that the West made has permanently raised Berlin to the status of a major symbol in the eyes of the world. Since then Berlin has been a symbol of the West's determination to defend freedom against Communist aggression, and particularly of the NATO coalition's determination to defend the freedom of Western Europe. An abandonment of Berlin today would, consequently, have a significance for West Germany, for the rest of Western Europe, and for the free world that would be disastrous. It would tell them that they could not count on the forces that had committed themselves to their defense, so that they had better proceed to make the best terms they could get from Moscow.

At the height of the Berlin crisis last year I gave, in these pages (see *NR* October 2, 1961), the reasons why I thought any retreat on Berlin, in the face of the threats of nuclear destruction that Mr. Khrushchev was then brandishing, would lead to chaos and greatly increase the likelihood of nuclear war. These reasons seem to me still to hold good, and to justify us in going to the brink of major war over Berlin's freedom.

Today, however, we face the question whether this is the issue, or at least whether it is the main and immediate issue.

It was with this question in mind that I spent a week in Germany toward the end of May. In both Hamburg and Berlin, the thoughtfulness of friends provided me with opportunities of posing it for extended discussion with leading German newspaper editors, publicists, professors and political figures. The consequence was an enhancement of my education that provides the occasion for this last in a series of three articles on the Berlin Wall.

The general supposition, which I share, is that last

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year's crisis convinced Mr. Khrushchev and his associates that the West was ready to fight for Berlin. Presumably he would still like to get us out of the city, but this is no longer the immediate or primary objective of his policy. The immediate or primary objective seems to be, rather, that of obtaining the maximum possible recognition, by the West, for the East German Democratic Republic as it exists today under the insecure Pankow régime of Mr. Walter Ulbricht. The objective seems to be to stabilize this East German state and give it permanence by investing it with the legitimacy that such recognition would carry with it. This would imply a legitimization and acceptance of the present division of Germany into two separate states, an abandonment by the West of its avowed objective to re-unify Germany. The real issue, then, is that of German unification.

The War Nobody Wants

If this is so, then it appears to follow that it is for the objective of German unification that the President of the United States might, if the contingency arose again, have to ask the American people and the NATO coalition to move toward the brink of a major war.

At this point, however, we are confronted with a paradox so far-reaching in its implications that it demands resolution. This paradox becomes evident when we try to answer the simple question: Who wants German unification?

All observers agree that no one in East Europe or in West Europe, outside of Germany, wants unification. European sentiment outside Germany would, in fact, be heavily against it. Surely it can be said that, as far as the United States goes, it is at most indifferent. If the United States supports the objective of unification, that is essentially because it is the objective of its West German ally rather than because it is a national interest in itself.

Here, however, we come to the heart of the paradox. In Hamburg, when I asked the final question, who in West Germany wanted unification, someone interrupted with, "No one!"

This was a rhetorical exaggeration. Presumably the bulk of the West German population cherishes the hope of a time when the two Germanies have again become one. No important elements in West Germany today, however, would be willing to take great risks or make great sacrifices for its realization; and there is no doubt that major economic and political interests in West Germany would be thrown into alarm by the prospect of an imminent re-unification, with all the problems it would entail for them.

There was no explicit dissent from this view by anyone in the group at Hamburg. Instead, the discussion revolved around a paradox within the paradox: the fact that, in the face of substantial public indifference, all West German politicians of whatever party nevertheless have to come out unequivocally for the objective of unification.

I do not pretend to have the full answer to this inner paradox, but I can suggest what it may be. For one thing, ritualistic lip-service is important in the political campaigning of all countries, although it may mean virtually nothing in terms of realities. (The American politician extolls "free enterprise" while supporting the measures of the welfare state that limit it.) For another thing, politicians always present their proposed objectives to the voters without the price-tags, and this can be misleading. (In the Presidential campaign of 1952 the Republican leaders won votes by coming out for liberation of the East European satellites, but they allowed it to be understood that, far from this entailing sacrifice or danger, it was compatible with major economies in our military establishment, and the reduction of taxes.) Finally, some of my interlocutors in Hamburg suggested that the paradox could be explained simply by the absence of political courage.

No one believes that the German voters, who applaud the politician's demand for re-unification, would be ardent for it if they were told that it would require them to take risks and make sacrifices.

When I left Hamburg, therefore, I still had no satisfactory answer to the key question, that of how the West's political leadership could, if the occasion arose, ask its constituents to go to the brink for an objective that most opposed and none supported with conviction.

I expected a different response in West Berlin, and received it. Unification is the only ultimately satisfactory solution that can be seen for the Berliners' problem. Moreover, when they think of the captivity in which their fellow Germans of the East languish, it is not merely the abstract idea that arouses their sympathies. Their suffering kinsmen are physically visible to them, right there on the other side of the Wall that cuts across their streets. To them, and quite rightly, recognition of the Ulbricht régime in any degree, would in itself represent a betrayal and abandonment of its victims, who continue to be physically present to them as they are not to the rest of us.

The group I met with in Berlin, however, represented a level of intelligence that gave its members more of a capacity for detachment than I could have expected. There was no emotion at the ugly questions that I felt myself free to ask with a frankness which was, at the least, indiscreet. They saw the difficulty of persuading the peoples of the West to stand firm on the issue of according some recognition to the East German state, but none expressed any doubt of the justification for doing so.

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What is that justification?

Let me take its less far-reaching, if more vivid, aspect first; the necessity of not abandoning the people of East Germany.

How was their plight different, I asked, from that of other satellite peoples – for example, the Hungarians? After all, being unable to liberate these other peoples, we had all fallen back on the hope that the secular evolution of the situation in Europe would bring an increasing liberalization of the societies in which they lived and so, at last, bring them their freedom – that, from the status of a Hungary, they might go on gradually to the status of Poland today, then to the status of Finland, and so on.

The best answer was that the captive Hungarians don't have a nation of their own fellow countrymen living in freedom at their doorstep. This makes a difference, for the abandonment of a brother is harder than the abandonment of a stranger.

Who would deny the truth of this – especially if, like me, he had just spent an afternoon in East Berlin? But it is an argument primarily for Germans, and only secondarily for those who are their comrades and allies. It is not an argument by which the President of the United States could easily justify to the American people and the Western coalition a policy of going to the brink for Germans but not for Hungarians.

There is, however, another possible justification which, if more cold-blooded, is also more weighty in a detached view of the situation as a whole. It is based on the fear that, especially here where the lines of the Cold War are drawn so sharply, any concession may upset a precarious balance between East and West, and so have the most far-reaching consequences. To put it crudely, whatever strengthens and stabilizes Ulbricht's East German state must weaken and unstabilize the German Federal Republic, which cannot afford to be weakened and unstabilized. Any degree or kind of recognition for the East German state would represent a victory for the other side in the Cold War, a defeat for our own.

Is the Cold War Total War?

To deny that this argument has its weight and its validity would, to my mind, represent wishful thinking. Its premise, however, is that the end of the Cold War, or any mitigation of it, is not yet in sight, and that the objective of every move made by Moscow or its puppets is victory over the West, leading to the eventual Communist conquest of the world. I suggested that this premise might be too simple.

An alternative premise is that Moscow's current objective is to stabilize the world on present lines rather than to make an advance toward the goal of world

"Personally, I don't cut notches for kids under 12."

Communism. The argument is familiar: that China represents an approaching danger for Russia which Russia seeks to prepare for by establishing the security of its Western frontiers; that the men in Moscow are impressed with the need to reduce the danger of nuclear war; that they face dire domestic problems, consequent upon agricultural failures, to which they could address themselves more effectively if the Cold War were, at least, moderated.

On this latter premise, the argument against any concession can hardly stand. If the Russian objective in seeking a German settlement is peace and security, rather than victory, then it is an objective that the West shares. Then we would have no broadly based grounds for going to the brink rather than negotiate an agreement involving some concession from our side.

No one in the Berlin group questioned that this was, indeed, the basis of what was at least the most important difference between those who would refuse to consider any compromise of the objective of German unification, even though it meant going to the brink, and those who would compromise it for the sake of a settlement presumed to be favorable to Moscow and the West alike. The basis of the difference was a difference in premises.

The final question, then, is which of the alternative

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premises, with respect to Russian objectives, is right.

I suggest that this question is not to be answered categorically. Human motives are complex, and their complexity embraces the motives of governments. It is quite possible that Mr. Khrushchev himself would have some difficulty in giving a precise and truthful account of the objectives that he pursues.

One may guess that he would be glad to have a thumping victory over the West to flaunt before his detractors at home, that he would be glad to get us out of Berlin, that he would be glad of anything that weakened the West German regime. To the extent that he thinks he can get any of these things, I do not doubt that he will try for them. On the other hand, he may see no imminent hope of their achievement, and may find it more realistic in present circumstances to seek a stabilization with the West, a *détente*, a moderation of the Cold War.

It would be imprudent for us to commit ourselves to one simple interpretation of Russian intentions, and then base our policy irrevocably upon it. If, however, Moscow's motives are mixed, if they do have some such complexity and ambiguity as I have imagined, then what should we do?

We should certainly stand firm on all essentials, on the positions we hold that are vital. Our basic position in Berlin, including our access to Berlin, is such a position, and it must not be compromised. Our position in favor of German unification is not such a position.

Can we, then, announce that we are abandoning the objective of German unification; that we are ready, in the context of a sufficiently attractive settlement (one that reinforces the security of Berlin), to recognize the East German state, and to deal with it as a member of the international community in good standing?

Surely not – if only because we must act on the supposition that, even though Mr. Khrushchev's immediate objective is a genuine stabilization, he will not refrain from taking advantage of anything that can be used to weaken and defeat the West.

In situations like this, diplomats can do no more than feel their way. Since it is a fact that no one in the West, including the West German Government, is actually pursuing the objective of unification, or will be in a position to pursue it in the foreseeable future, we should find it possible to make our recognition and acceptance of this clear to Moscow without proclaiming it in a special press release. We should also make it clear to Moscow that, while we have to accept the *de facto* existence of the East German state, the moral revulsion that its government has aroused, and that is represented by the Wall within which it holds our fellow men captive, precludes our giving it full diplomatic recognition or entering into broad cooperative relations with it. Within these limits, however, we are willing to explore the possibility of finding an arrangement that both sides could regard as an improvement over the present situation.

What of the East Germans?

Would such an arrangement be a betrayal of the captive East Germans?

It seems to me that their best hope would lie precisely in such an arrangement, which would contribute to a general relaxation of tensions between East and West. It is foolish to act as if we had the alternative of breaking into their prison and rescuing them. In the context of a general settlement, however, the cynical and oppressive régime under which they suffer today might at last give way to something more like, let us say, the Gomulka régime in Poland. Imposed distortions of the East German economy to meet Moscow's Cold War requirements might be modified, with a consequent easing of economic hardships in East Germany. Increasing contacts with the peoples of the West might develop, as has already been the case in Poland. Freedom might come bit by bit, even if it took a generation. At last, then, such recognized and accepted openings in the Wall as exist still today would be increased, and the time would approach when both sides might join in peacefully dismantling it.

I know of no other course of action open to us today that would be more favorable to the caged people of East Germany.

Of one thing I am sure. Some day, and perhaps sooner than we can allow ourselves to expect, the Wall will have to come down. It could come down because West Berlin had been captured by the masters of East Berlin; it could come down through the agency of nuclear blasts that atomized the city; it could come down because Europe fell into general chaos; or it could come down because, the Cold War having receded into the past, it no longer served anyone's purpose.

If we combine realism with good-will, this last is surely the solution we will work for.

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Mr. Williams for the Defense

by Stanley Allen

The enterprising counsel for the defense, Edward Bennett Williams, feels the American bar has the real responsibility for halting any surrender of our heritage as free men. He has contrived here a powerful case for civil liberties and for the validity of the laws undergirding them. It's a beguiling book – a treatise of Instant Law comprehensible to the layman. Yet on closer scrutiny

One Man's Freedom
by Edward Bennett Williams
(Atheneum; $5.95)

his performance evokes a disturbing sort of mental double-take. Here, seemingly, is the fastidious man of principle – effective, convincing and unshrill as he dissects the abuses of Congressional investigating tactics, illustrates the evils of random search and illegal detention, demonstrates the idiocies of well-meaning censorship, restores meaning to the privilege against self-incrimination and recoils (a favorite word of his) at the general erosion of civil liberties in the United States. It is only on second look that haunting questions arise.

To begin with, the author has a very low opinion of the majority of us which is rooted, he says, in the apathy and indifference we display for the guarantees in the Bill of Rights. His judgment is sweeping:

> "I am afraid that, if the test could be made, the majority of Americans would trade away the right to speak in public assembly, the privilege against self-incrimination, the right to a jury trial, the right to be secure from unreasonable police searches, the right to indictment by grand jury, the right to confront an accuser and the right to counsel – would trade these rights for a guarantee of total economic security until death."

He holds that the fires which blazed for freedom in the minds and hearts of Americans have been carefully banked and need new kindling. Seventy-seven pages later he is less sure. For he is by then equally certain that a Congress which seeks to inform itself by violating the same unvalued rights of these same docile citizens "will forfeit all the respect and confidence of the people."

By the end of the book people have been thoroughly rehabilitated. He thrusts aside his pursuit of America's constitutional freedom to argue for a rule of law in world affairs. He envisions a global judiciary which the people of East and West will support out of their fear of nuclear war, despite the absence of universal government or enforcement apparatus, through "the one common touchstone" on which everyone agrees – the love of parents for their children. "On this emotion and on this knowledge," he says, "must be built the hope of peace through law in our time."

Mostly, however, we are lulled into absolute agreement as he moves swiftly from case history to lecture and back again with only infrequent intrusions of his own courtroom dialogue which, in its very selectivity, lends new substance to the image of the knight errant of the bar – a phrase applied to Dean Eugene V. Rostow of the Yale Law School in an extravagant foreword comparing the author to Clarence Darrow, Sam Adams, William H. Seward and Rufus Choate!

No one denies that Edward Bennett Williams is a talented lawyer. Beneath the surface of his story can be found some of the qualities that illuminate his success, even granting that Frank Costello *was* deported, Joe McCarthy *was* censured by the Senate, Bernard Goldfine *was* found to be in contempt of Congress and Dave Beck *is* in jail.

His legal victories have been impressive nonetheless. Not the least of them involved the acquittal of Jimmy Hoffa by a predominantly Negro jury at his bribery trial in 1957 – a decision unrelated, says Williams, to the famous courtroom visit of Hoffa's close friend Joe Louis who had been called as a character witness but was not invited to testify. The author reports he was "genuinely surprised" to see the former pugilist sitting in court after telling him in the noon recess "that we were not going to use him and that he was free to go back to Detroit." Still, Williams is now sorry it happened. He says:

> "The Louis story seems to grow each year and more legend and less fact gets into it. Needless to say I'm sorry he ever came to court. But had I known he was coming to observe the trial that afternoon, I would not have asked him to stay away. I have thought about it a great deal since, and it is almost impossible to project myself back into that hectic frame of reference. But whether it should have or not, the fact is it never crossed my mind that his presence could have an effect on the jury. And all of the jurors later attested that his appearance at the trial was meaningless insofar as the outcome was concerned."

Nowhere is his technique better exemplified, however, than in his chapter on Trial by Congress. From this we learn that Joe McCarthy really was a victim of unfair Senatorial practices – a conclusion worthy of Joe himself.

Williams' thesis is simple: the Watkins committee might never have recommended McCarthy's censure in 1954 for contempt of the Gillette subcommittee had it known that an unnamed staff employee of the latter group "ran roughshod" over McCarthy's rights in 1952 by putting a "mail cover" – a surveillance of the sources of his mail *though not its content* – into effect during the investigation.

This is literary pettifogging carried to absurdity – a slick diversion of attention from McCarthy's incredible record

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of contempt of the US Senate. Williams attempts to palliate even this record. He argues that McCarthy's contempt of the Gillette subcommittee was not a usual case of contempt because there had been no defiance of a subpoena; McCarthy had only been "invited" to testify and "the only time he was even requested to appear" was November 21, 1952, in a telegram dispatched when McCarthy was known by the subcommittee to be hunting in the wilds of northern Wisconsin.

Williams surely knows better. He was McCarthy's counsel at the time, representing the Wisconsin Senator in a two million dollar libel action against Senator William Benton of Connecticut – an action, incidentally, which never got off the ground despite Williams' great skills – although his book creates the impression that he did not serve McCarthy professionally until 1954 when the Watkins committee hearings started.

Senator McCarthy was formally invited to appear before the Gillette subcommittee not once but *seven* times between May 7 and November 21, 1952, not to mention several invitations in 1951 which yielded such intemperate responses from McCarthy that the subcommittees finally sought – and received – a vote of confidence from the full Senate by a vote of 60 to 0. Few committees in history have taken a more violent beating from their star witness. The language of the subcommittee's eventual report – based primarily on Senator Benton's charges – accusing McCarthy of deliberately trying "to thwart the investigation" and conducting "a bitter attack upon the integrity of the subcommittee" is almost a miracle of tolerance.

Williams surely knows that no actual subpoena was issued because – in the words of the subcommittee's own findings – McCarthy was a member of the Senate from which the authority to subpoena stems and was "quite familiar with the rules governing the operation of the Senate and the responsibility placed upon the individual members. . . ." In short, they felt any Senator would be responsive to "the internal procedure of the Senate itself, stemming from the Constitution, whereby that body has the authority and responsibility for keeping its own house in order."

Anyone, Williams included, who doubts the degree and validity of McCarthy's contempt would do well to review the record of disdain and personal insult provided by his answers to the seven invitations to testify, as published in the subcommittee's report.

The Senate censure vote of 67 to 22 was the climax of a deep revulsion. It was emphatic. It was not, as Williams blandly suggests, a touch-and-go decision that might have been reversed were McCarthy willing to compromise. A whole series of compromise proposals were resoundingly rebuffed on the Senate floor. McCarthy's virtual ostracism by the Senate thereafter tells its own story. And the claim that evidence of the mail cover "came to us only after the censure vote had been taken," and might have changed the Watkins committee recommendations is a quibbling assumption wholly lacking any evidential basis. In fact, existence of the mail cover was known to the full Senate and defended on the floor by Senator Hayden *before* the final vote of censure. McCarthy himself raised the issue in Senate debate and in a nationwide TV broadcast. Senator Hayden called it legal. In view of McCarthy's refusal to testify, he said, it was necessary as a means of checking McCarthy's links with brokerage firms in connection with the charge that he used money received for his anti-Communist crusade for personal investments. The special two-man committee which later deplored the mail cover failed to persuade either the Senate or the Justice Department that any illegal act had been committed. It is one thing for a pleader to make the best case he can. It is another to whitewash the evil of McCarthyism beyond all recognition.

Williams' effort to alibi the censure vote against his client by inflating the significance of the mail cover does lead him to a conclusion with which no one can quarrel. He says:

"Over a century ago it was made a crime to open other people's mail

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I am persuaded that Williams' principles on this score may well be ambivalent. Just a decade ago, serving then as Administrative Assistant to Senator Benton, I was subpoenaed by Williams for examination in a pre-trial deposition hearing as part of the abortive libel action brought against Benton by McCarthy. The pertinent parts of that proceeding on September 19, 1952, went as follows:

Mr. Williams. Did you get a letter from Bob Fleming (a reporter on *The Milwaukee Journal*) in February of 1952?

Mr. Allen. I may have.

Mr. Williams. Do you recall the substance of that letter?

Mr. Allen. No, I don't.

Mr. Williams. Let me see if I can refresh your memory. I want you to listen meticulously so that you will hear each part of it. (Reading): "*The Milwaukee Journal,* Milwaukee 1, Wis., 9 Feb., 1952. Dear Stan, having been increasingly distressed about the wire report on the attitude of the Gillette subcommittee on the project, I have been trying to calculate the chances of salvage. . . ." Do you remember a letter that started that way?

Mr. Allen. I don't.

Mr. Williams. Do you deny you received such a letter?

Mr. Allen. Of course I don't deny it. I receive thousands of letters.

Mr. Williams. Let me see if I can refresh your recollections.

(Mr. Williams continues to read seriatim from each paragraph of the letter until interrupted by Mr. Allen.)

Mr. Allen. I remember the letter. I remember it. That was the one that arrived marked "Opened by Mistake."

Mr. Williams. You remember it?

Mr. Allen. I remember it very well. It had been stapled back together. It was very mysterious as to how it had been "Opened by Mistake."

Mr. Williams. (Reading) ". . . I would like a reply in confidence – perhaps even to be destroyed on reading. . . ."

Mr. Allen. I remember the letter.

Mr. Williams. (Still reading) ". . . as might well be with this."

Mr. Allen. I remember the letter well. As a matter of fact I went down to the Senate Post Office to inquire how it could have been misdirected since it was correctly addressed, and how it could have been opened by mistake, and by whom.

Mr. Williams. (Still reading) ". . . I am looking for information on the value of a trip East, so I may see you one of these weeks. Cordially, Bob Fleming." Is that right? You got that letter?

Mr. Allen. I did.

And, obviously, so did Mr. Williams.

Conceding the author's resourcefulness, I nevertheless harbor an urchin wish that he might have written one additional chapter dealing with the equity maxim – a principle still valid at the bar – that he who seeks equity must come into court with clean hands. It might have been the most heroic challenge of all.

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MOVIES

Truffaut and Travel

François Truffaut's *Shoot the Piano Player* was made before *Jules and Jim;* the reception of the latter has apparently prompted the importation of the former. It is welcome, too, although on a smaller scale it has the same proportion of shortcomings to virtues as the other film. Truffaut's public statements contain lots of blithe assertions: "I'm lazy, and when the day for shooting a film arrives, I don't have a finished script . . . I may find myself changing my notions about what I want to do right in the middle of making a film. And on days when I'm feeling merry, I shoot merry scenes, and on my gloomy days I shoot gloomy ones." These utterances would be affectation except that the finished films bear him out. They really do have an air of improvisation, and they burst into blossoms of high jinks or intensity, sometimes quite irrelevant to story and previous mood.

Shoot the Piano Player (Astor)
The Sky Above and the Mud Below (Embassy)

For example, this film opens with a man running down dark streets, fleeing pursuers. He rams into a lamp-post and is helped to his feet by a passing stranger. He then walks a couple of blocks with the stranger who chats with him about his wife. They shake hands and part; then the brother visits the hero and the film begins. The street encounter was the kind of intimacy that can occur between strangers, and it has an excursive charm which Truffaut simply felt like pursuing, that's all.

The rewards of this free-verse ap-

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proach are ample if the director can support it with warm invention and cool skill. Truffaut has plenty of both. The disadvantage is that the net effect is patchy and tends to derogate from the subject matter (even in the much more substantial *Jules and Jim*). Recently a dinner companion told me that when he was in London in the thirties, he went to a midnight movie and saw a feature film that started with a costume sequence, then had a snatch of a musical, then a chunk of a gangster picture, and so on. He thought he was drowsy and was just not following. Next day he was told that the British quota laws of the time made it mandatory to show a domestic feature at least once a day with every foreign feature. In order to exhibit profitable Hollywood pictures, the English studios would sweep an hour-and-a-half's worth of bits off their own cuttingroom floors, paste them together and, to satisfy the law, would run them off at midnight when no one was expected to see them.

Their solution is a *reductio ad absurdum* of the Truffaut method. In the midst of a kidnapping scene, the criminals get into an avuncular discussion about first names with the young victim. When a hood says that if he's lying, he hopes his mother drops dead, an inset shot shows his mother dropping dead. All these touches are funny or moving, but we sometimes wonder whether we've dozed off and missed a transition.

This film is based on an American crime novel, the genre that many French intellectuals glorify, particularly the group around the magazine *Cahiers du Cinema*, for which Truffaut used to be a critic. It is an imitation Humphrey Bogart vehicle, and the film's paradox is that Truffaut weakens the suspense with his digressive gusto, yet that gusto is the best element in it. The hybrid result is neither a tight crime story nor a sound crime satire like Huston's *Beat the Devil*. But there are fine sequences. The scene in which the hero and the "nice" girl go to bed for the first time compresses a long passionate day into a two-minute poem, beautifully composed.

Charles Aznavour, the pianist-hero, reticent and small, may do for short men what Ezio Pinza did a decade ago for middle-aged men: make them popular sex images. There are three competent young actresses in the film, Marie Du Bois, Nicole Berger, and Michele Mercier, the last of whom seems much too lovely to be a low-priced tart.

The Sky Above and The Mud Below is a 90-minute documentary in color of a French expedition that crossed Dutch New Guinea from south coast to north in 1959, the first time this territory had been explored on foot by white men. Pierre-Dominique Gaisseau and his party discovered some of the last remnants of Stone Age civilization, including some practicing cannibals. The film is too long and it dwells somewhat heavily on the group's heroism. Its commentary is tinged with rhetoric that doubtless sounds well in French but waddles a bit in translation.

However, it can be recommended as a useful record of one of the last "first" explorations. It makes its point vividly about the amazing paradoxical survival of these primitive groups within an hour's flight of Hollandia. It also makes an unintended anti-Rousseau point. Anyone who still has illusions about the Noble Savage can meet here some of the ugliest human beings ever photographed, brutalized and deformed by their closeness to nature.

STANLEY KAUFFMANN

ART

Bosky in Boston

I've never been strong for art out-of-doors. I don't mean sculpture in the garden, which is fine and reduces the area of mowable grass, nor murals on the sides of buildings, which absorb some of the light otherwise blindingly reflected from the glass mountains, but merely art events which take place in the open air. It can be argued that art events are bad enough anywhere, that they should be strictly limited to exhibitions in museums, but it is surely true that their capacity for irrelevance swells and fattens in the sunshine and open air. They transform themselves, subtly and swiftly, into aspects of Ladies' Activities. Ladies themselves are wont to put on smocks and berets in the belief that they are thus furthering the cause of culture. They set up refreshment booths and publish brochures and in general do everything possible to keep art firmly out of the art event and, if some should sneak in, to insure that no one pays any attention to it.

Inasmuch as Boston is one of the very few remaining refuges for Ladies in this country, one would expect such events to be worse in Boston than anywhere else. I was agreeably surprised, therefore, one day last week, to find myself strolling about the Boston Public Garden in the undeniable presence of an art event and enjoying myself immensely. The swan boats were glittering across the lagoon, the air was sweet with the sound of Martyn Green in rehearsal and I was inspecting the pleasant if mostly undistinguished results of one of the most complicated exhibition schemes it has ever been my duty to try to understand.

The occasion was – and is – the Eleventh Boston Art Festival. It goes on through July 8 and if you are in the Kennedy Country before then you ought to take it in. The sheer wealth and quality of the offerings are staggering. Besides Mr. Green and G & S, the Festival has had a Shaw production, readings by Ogden Nash, folk dancing, block dancing, fireworks, more old movies than the Museum of Modern Art gets through in half a year, all kinds of jazz and, inevitably no doubt,

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Arthur Fiedler and the boys in the band. It's all very well for stodgy old New York to repeat mindlessly that the city *is* a summer festival; dynamic Boston goes out and makes one.

As at all such festivals, art is not only present, it provides the chief physical presence of the whole *megillah*, as they say on Beacon Street. Art is spread all over the Garden, linking the scenes of the musical events and making it impossible, without a great deal of forethought, for a visitor to attend any of the performances without seeing some of the paintings and sculpture. As in the overall program, the art part tried for something for everyone. In addition to the main event, "The New England Painting Competition," there are: 10 paintings chosen by Glenn MacNutt and grouped under the title, "An Artist Views New England"; 26 paintings and sculptures invited from former winners of the various prizes in the annual competition; 10 drawings selected by Al Capp and advertised as "American Humor," though all the artists are New Englanders and it's well known that humor there is different; and 15 works individually invited by individual members of the nine man jury including, happily, several of their own pieces.

Actually, this arrangement is much more complicated in print than it is in the Public Garden, where you move easily from open tent to open tent without much regard for classes and categories. But the jury structure of the main show itself is somewhat distracting. The show was juried on what is called the "triangle system." This meant two separate three-man juries plus a third jury consisting of all six plus a chairman, the portrait artist Gardner Cox. Artists were free to submit to either jury or to the whole bunch. As I understand it, this insane system was devised to meet objections that in previous years the jury has a) thrown out all representational pictures and b) thrown out all abstract pictures. I must say I found it hard to find any rigidly observed distinctions between the three sides of the triangle, but since all pictures were labelled by jury, I, like everyone else, kept checking back and forth to find out who accepted what and thus losing time and attention that might better have been spent just looking at art. In short, unlike any other part of the Festival, the art part was tailored to the presumed desires of the participating artists and the public was damned to waste its time on matters of strictly in-group interest. Morever, this dangerous willingness to try to please essentially unpleasable artists leads inevitably to the No-Jury show, which has been amply demonstrated in Chicago and Greenwich Village to be a hopeless farce. Since everyone in Boston feels free and even obligated to suggest procedural improvements, let me contribute to the dialogue, as they say in Charlestown. The thing to do is forget about the artists, concentrate on the art. This can best be done by having the bulk of the show invitational and to hell with aesthetic democracy. There are a lot of really fine works on view in the Public Garden and every one of them is there by invitation of one sort or another.

The competition proper is by no means a mess. It maintains a consistent level of competence and mild interest and does so on both sides of the chasm the triangle was devised to bridge. New England has always been swarming with artists – they're one of the reasons the textile mills moved south – and enough of them know their way about their work to make very pleasant viewing throughout the show. But the representational works tend to be that and nothing more, skillfully executed water colors of the water or oils of the hills. The abstract works are almost all successful solutions to technical problems posed the painters by themselves. Both classes thus operate on a level far above that of most art-in-the-open shows, but neither produces much that leaps out and grabs you as you pass by. That category of work all appears in the group of former winners or in paintings by the jurors. The obvious reason is that the many artists of national reputation who live in New England don't bother to submit at all. Nor are they being snobbish: it's a fair bet that Martyn Green would not try out for the job of singing those songs, nor Ogden Nash for that of reading poetry.

For all that, the show in the Garden is a pleasure and sound cause for rethinking basic doctrine about Ladies and art.

FRANK GETLEIN

Correspondence

The Anti-Communist Laws

Sirs:

It is deplorable that Attorney General Kennedy has . . . launched legal proceedings against Gus Hall and a dozen others for refusing to register under the Communist Control Act of 1954. This is not said from any ideological tenderness toward the leaders of the Communist Party – Americans for Democratic Action was combatting Communist totalitarianism at a time when many who have subsequently blossomed as professional and noisy anti-Communists could not distinguish a Stalinist from a Parsee – but because we believe that the Communist Control Act is both unconstitutional and unworthy of a free people.

When the Supreme Court upheld the registration provisions of the bill, it carefully refused to come to grips with the self-incrimination aspect which is the other half of this legal mousetrap. But since the "membership clause" of the Smith Act was sustained by the Court, can one seriously maintain that mandatory registration, particularly of Party cadres, does not involve compulsory self-incrimination? Whatever may be the legal sophistries, it is criminal to be an active Communist and if the Fifth Amendment does not protect such militants from registration, it has become meaningless.

Moreover, there is something demeaning about this cunning Rube Goldberg mechanism. One can, I suppose, get a certain amount of juvenile glee from the spectacle of the Communist attempting to evade one horn of the ambush only to impale himself on the other.

But unless one accepts the premise of "people's justice" – that bad men have no rights – he must feel a sense of shame at the government of this great Republic thus playing cat-and-mouse with the leaders of the bumbling, FBI-ridden, ideologically bankrupt American Communist Party

The Communist Control Act of 1954 is a relic of the McCarthy period, an era when lack of faith in the capacity of free men to deal rationally and mor-

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ally with internal totalitarians led to the proliferation of internal insecurity legislation. . . . If repeal is not possible, can this undemocratic memento of legislative jitters not be allowed to rest quietly in desuetude, to become an exhibit in the museum of legislative aberations along with the concentration camp provisions of the Internal Security Act of 1950?

John P. Roche
National Chairman
Americans for Democratic Action

The Canadian Elections

Sirs:

I was interested to note TRB's comments in two recent editions of *The New Republic* concerning the complete lack of interest and publicity in the US shown towards the recent Canadian election. Having traveled extensively throughout 35 of your American States I have had the opportunity of meeting many university graduates. In talking with them, I was amazed to discover that they had no idea of Canadian affairs, not even the identity of the Prime Minister. Guesses have ranged from Mackensie King (who was P.M. but died in 1948), to Anthony Eden, to Queen Elizabeth II, to Prime Minister Nehru! (As of June 18th election, John Diefenbaker was Prime Minister but with no over-all majority.) In some quarters Canada was depicted as a bastion of British imperialism, while one of your citizens asked me how much the sleigh ride cost from the border to "the nearest city." And how many dogs pulled the sled? All this in the month of June!

Canadian education on all levels offers many specialized courses in American history and political science, which, in some cases, enables Canadians to know much more about US affairs than Americans do.

Timothy R. Carsley,
Montreal, Quebec, Canada

Race Relations in Los Angeles

Sirs:

You state in your June 18 note that "Negroes in Los Angeles have been upset by Democratic Mayor Sam Yorty's remarks linking the NAACP to racial disturbances in the city." This leaves two erroneous impressions. The first is that there have been racial disturbances here; the other is that the Mayor has been criticizing the NAACP as such.

As to the second, although I am in no way connected with the Mayor or his office, I have followed his public statements on this subject. Nowhere to my knowledge has he implied any criticism, directly or indirectly, of the NAACP *per se*. He has been critical of some of the statements of the leaders of the local chapter.

The only disturbances in this city involve an attack on police officers by members of the so-called Black Muslim movement. This is an insignificant black supremacy cult, ostensibly Muslim, whose leader's "solution" to racial problems reads like *Mein Kampf*. In this attack several policemen were injured. Finally one officer was shot and in the return fire several cultists were wounded and one died. A Coroner's Jury found the homicide justifiable self defense.

The other thing to be considered is the intense primary election fights being waged in the newly revised Congressional Districts in the Negro areas of this city. The two responsible Negro newspapers (the third Negro paper is a Black Muslim house organ) backed one candidate whose chief opponent, attorney Everette Porter, is a member of the Police Commission. These newspapers seized on the Black Muslim riot as an excuse to lodge baseless charges of brutality and racial discrimination against the Police Department. These charges are all of a vague and general nature and are for the most part highly inflammatory.

Mayor Yorty, on television, critized the local NAACP chapter for involving itself in this matter and for lending credence to the preposterous charges being made by some leaders of the cultists. It was the publication of unverified accusations and insinuations against city police officers that is responsible for whatever disturbance there has been in the generally harmonious interracial relations in Los Angeles. That was the sum and substance of the Mayor's remarks and I, as a lifelong resident of this city, agree.

Michael B. Hannon
Los Angeles, Calif.

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